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Attorneys for Third-Party Defendant/Fourth-party
Plaintiff F&S Distributors, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

**AVENUE LOFTS CONDOMINIUMS
OWNERS' ASSOCIATION**, an Oregon
nonprofit corporation,

Plaintiff,

vs.

VICTAULIC COMPANY, a foreign
corporation, **HOWARD W. WRIGHT
CONSTRUCTION CO.**, a foreign
corporation; **FERGUSON ENTERPRISES**,
aka **FERGUSON ENTERPRISES, INC.**, a
foreign corporation; and **MSI
MECHANICAL SYSTEMS, INC.**, an
Oregon corporation,

Defendants.

VICTAULIC COMPANY, a foreign
corporation

Third-Party Plaintiff,

vs.

SEAL DYNAMICS, a Florida corporation;
and **F&S DISTRIBUTORS, INC.**, a New
Jersey corporation,

Third-Party Defendants.

Case No. 3:13-cv-01066-MO

**THIRD-PARTY DEFENDANT/FOURTH-
PARTY PLAINTIFF F&S DISTRIBUTORS,
INC.'S MOTION FOR SUMMARY
JUDGMENT**

ORAL ARGUMENT REQUEST

F&S DISTRIBUTORS, INC., a New Jersey corporation,

Fourth-Party Plaintiff,

v.

NATIONAL O-RING dba HUTCHINSON SEAL CORP., a Delaware corporation; and
HUTCHINSON SEAL CORP., a Delaware corporation,

Fourth-Party Defendants.

LR 7.1(a)(1) Certification

Counsel for third-party defendant F&S Distributors, Inc. ("F&S") certifies pursuant to LR 7.1 that she made a good faith effort with counsel to discuss this motion and resolve the dispute, but the parties have been unable to do so.

MOTION

Pursuant to Fed. R. Civ. P. 56, F&S moves for summary judgment in its favor dismissing the claims made by Victaulic in its third-part complaint against it with prejudice because the claims are barred by issue preclusion.

This motion is supported by the accompanying declaration of Kirstin Abel, and by the accompanying memorandum of law.

Dated this 18th day of March, 2016.

BODYFELT MOUNT LLP

BY: /s/ Kirstin L. Abel

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **THIRD-PARTY DEFENDANT/FOURTH-PARTY PLAINTIFF F&S DISTRIBUTORS, INC.'S MOTION FOR SUMMARY JUDGMENT** on the following attorneys on the date noted below via the following method:

<p>Michelle K. McClure Stuart K. Cohen Landye Bennett Blumstein LLP 1300 SW 5th Avenue, Suite 3500 Portland, OR 97201 scohen@lbblawyers.com mmcclure@lbblawyers.com</p> <p><i>Of Attorneys for Plaintiff</i></p>	<p>Richard N. Sieving Jennifer L. Snodgrass The Sieving Law Firm A.P.C. 100 Howe Avenue, Suite 220 Sacramento, CA 95825 rsieving@sievinglawfirm.com jsnodgrass@sievinglawfirm.com</p> <p><i>Of Attorneys for Plaintiff</i></p>
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<p>Aukjen Ingraham Schwabe, Williamson & Wyatt, PC Pacwest Center 1211 SW 5th Avenue, Suite 1900 Portland, OR 97204 aingraham@schwabe.com</p> <p><i>Of Attorneys for Howard S. Wright</i></p>	<p>James M. Daigle Jesse C. Ormond Stewart Sokol & Larkin, LLC 2300 SW 1st Avenue, Suite 200 Portland, Oregon 97201-5047 jmdaigle@lawssl.com jormond@lawssl.com</p> <p>and</p> <p>David A. Hytowitz Robin Hopkins Law Offices of Kathryn R. Morton PO Box 4400 Portland, OR 97208-444 david.hytowitz@libertymutual.com robin.hopkins@libertymutual.com</p>

	<i>Of Attorneys for MSI Mechanical Systems, Inc.</i>
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Method: ☐ US Mail, postage prepaid
☐ Email
☐ Hand Delivery
☒ CM/ECF

Dated this 18th day of March, 2016.

BY: /s/ Kirstin L. Abel

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